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August 24, 2006

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**VIA ELECTRONIC AND U.S. MAIL**

The Honorable Charles L.A. Terreni  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Application of Carolina Water Service, Inc. for adjustment of rates and charges  
for the provision of water and sewer service; Docket 2006-92-WS

Dear Mr. Terreni:

I am writing to you in your capacity as Hearing Officer in the above captioned docket to respond on behalf of the Applicant, Carolina Water Service, Inc., to the August 24, 2006 email you received from Mr. Paul Hershey regarding testimony and a power point presentation by Mr. Don Long on September 7, 2006. I am also writing to request certain relief in the event that the Commission intends to permit such testimony and presentation.<sup>1</sup>

I would begin by noting that there is nothing in the record of the night hearing that reflects that the Commission requested that Mr. Long make a power point presentation or offer additional testimony as Mr. Hershey's email suggests. To the contrary, Mr. Long was requested "to be in the hearing to answer questions or rebut any other information that was there" and was informed that he would be "allow[ed] to make a response to whatever else is being presented." Hearing #10786, Docket No. 2006-92-WS, June 12, 2006, Tr. p.38, ll. 11-25. Therefore, CWS would object to any "testimony" or power point presentation that Mr. Long may offer that goes beyond answering questions that he may be asked or rebutting information already in the record of this case.

Moreover, there is nothing in the record of the night hearing that supports the assertion of Mr. Hershey that the Commission has requested testimony from the "Water Committee from the Lake Wylie Water District of York County." In addition to the fact that Mr. Long was only requested to appear to answer questions and rebut or respond to other information in the record,

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<sup>1</sup> Any testimony that Mr. Long may be allowed to give at the merits hearing in this matter will be the subject of a renewed objection by CWS consistent with the objection made on its behalf at the June 12, 2006 night hearing in this matter.

Continued . . .

no entity known as the "Water Committee from the Lake Wylie Water District of York County" was mentioned at the June 12 night hearing. Nor was any such entity requested by the Commission to appear at the merits hearing in this case. Also, and as Mr. Hershey's email reflects, the "Water Committee from the "Lake Wylie Water District of York County" has made no filing in this docket indicating that it, or its representative, desired to testify as was required on or before May 6, 2006 per the terms of the notice of filing and hearing in this docket. CWS is unaware of any basis upon which the River Hills Community Association, Inc. ("RHCA"), which is the organization by which Mr. Hershey is employed, may assign to another entity the right to testify and present evidence at a hearing. Similarly, CWS is unaware of any basis upon which Mr. Hershey, who is not a lawyer, may represent either RHCA or the "Water Committee from the Lake Wylie Water District of York County" with respect to the matters raised by his email message to you. For each of these reasons, CWS would further object to any testimony or presentation by Mr. Long at the merits hearing on behalf of any entity.

However, if the Commission is disposed to allow Mr. Long to give testimony and make a power point presentation, for himself or on behalf of any entity, CWS moves that his proposed testimony be reduced to writing and that this written testimony and his proposed power point presentation be provided to the parties not later than August 31, 2006, so that reasonable opportunity to prepare cross examination is provided to all parties of record. CWS submits that it is entitled to reasonable notice regarding the content of such testimony and presentation and an opportunity to rebut the content of same. Because neither Mr. Long nor the entities referenced in Mr. Hershey's email are parties of record, CWS is unable to obtain discovery which would protect its constitutional rights to administrative due process in this regard.

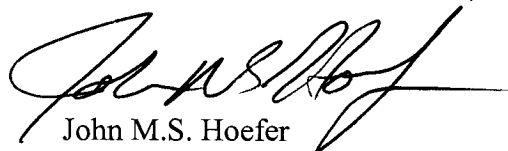
Alternatively, CWS would move that it be granted permission to depose Mr. Long on August 31, 2006, in York County at a place convenient to him.

Finally, CWS would move that it be permitted to present rebuttal testimony with respect to Mr. Long's written testimony and presentation at the merits hearing scheduled for September 7<sup>th</sup> and 8<sup>th</sup> should same be admitted in the record.

Please let me know if you have any questions or if I can be of any assistance.

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**



John M.S. Hoefer

JH/amw

cc: C. Lessie Hammonds, Esquire  
Shannon Bowyer Hudson, Esquire  
Mr. Paul Hershey  
(all via electronic and U.S. mail).